



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,453	11/14/2001	Gaku Yamamura	PU01-01150	6751

21254 7590 03/14/2006

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
8321 OLD COURTHOUSE ROAD  
SUITE 200  
VIENNA, VA 22182-3817

EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/987,453

Applicant(s)

YAMAMURA ET AL.

Examiner

HELEN SHIBRU

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/08/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Information Disclosure Statement***

1. The abstract of the IDS filed on 02/08/2002 is considered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims ~~1-7~~<sup>1-17</sup> are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata (US Pat. No. 5,134,499) in view of Terasawa (US Pat. No. 5,832,173).

Regarding claim 1, Sata discloses an information recording and reproducing apparatus with a ring buffer (see disk (4) in fig. 2) for reading and reproducing an image signal recorded in the ring buffer while writing an image signal supplied as time elapses into the ring buffer (see col. 5 lines 8-41 and col. 5 line 57-col. 6 line 7), comprising:

a recording and reproducing position information obtaining part for obtaining information indicative of each of a recording position and a reproducing position at a present time point in said ring buffer (see col. 5 lines 22-41 and line 56-col. 6 line 7, col. 6 line 61-col. 7 line 20, and claims 1, 2 and 6).

Claim 1 differs from Sata in that the claim further requires a ring buffer monitor image signal generating part for generating a ring buffer monitor image signal indicative of an image showing a relative positional relation of each of said recording position and said reproducing position in said ring buffer.

In the same field of endeavor Terasawa discloses a ring buffer monitor image signal generating part for generating a ring buffer monitor image signal indicative of an image showing a relative positional relation of each of said recording position and said reproducing position in said ring buffer (see abstract, col. 2 lines 42-47, figs. 7A-D, 8A-D, 10A-D, 11A-B, and 13-17, claims 1 and 12, and col. 14 lines 31-42, col. 15 lines 10-16). Therefore in light of the teaching in Terasawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sata by showing the position of recording and reproducing position in order to visually recognize the search status.

Regarding claim 2, Sata discloses an image synthesizing part for outputting a synthesis image signal obtained by synthesizing said image signal reproduced from said ring buffer and said ring buffer monitor image signal (see col. 6 lines 8-37, and col. 7 lines 35-55).

Regarding claim 3, Terasawa discloses ring buffer monitor image signal generating part generates an image signal, as said ring buffer monitor image signal, for allowing a recording position mark to be displayed at a position corresponding to said recording position on a peripheral area of a screen of a display device and allowing a reproducing position mark to be displayed at a position corresponding to said reproducing position on said peripheral area, respectively (see fig. 4, col. 7 lines 10-22, col. 7 lines 29-38 and claim 12). Therefore in light of the teaching in Terasawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a position mark in order to specify a desired target position.

Regarding claim 4, Terasawa discloses ring buffer monitor image signal generating part changes a form of said reproducing position mark in accordance with a bit rate of said image signal reproduced from said ring buffer and changes a form of said recording position mark in

accordance with a bit rate of said image signal to be recorded into said ring buffer (see fig. 19 col. 9 lines 4-14, and col. 16 lines 1-6, and see motivation in claim 3).

Regarding claim 5, Terasawa discloses ring buffer monitor image signal generating part changes a form of said reproducing position mark in accordance with genre a program based on said image signal reproduced from said ring buffer and changes a form of said recording position mark in accordance with a genre of a program based on said image signal to be recorded into said ring buffer (see col.9 lines 31-49).

Regarding claim 6, Terasawa discloses ring buffer monitor image signal generating part generates an image signal, as said ring buffer monitor image signal, for allowing a ring buffer stripe showing a whole area of said ring buffer to be displayed onto a peripheral area of a screen of a display device, for allowing a recording position mark to be multiplexed and displayed at a position corresponding to said recording position on said ring buffer stripe, and for allowing a reproducing position mark to be multiplexed and displayed at a position corresponding said reproducing position on said ring buffer stripe, respectively (see figs. 4, 7A-D, 8A-D, 10A-D, 11A-B, and 13-17, col. 7 lines 10-22, col. 7 lines 29-38 and claims 12-19).

Regarding claim 7, Sata discloses each delimiter of a plurality of programs based on said image signal recorded in said ring buffer is shown on said ring buffer stripe (see col. 5 lines 8-40, col. 7 lines 8-20).

Regarding claim 8, Sata discloses buffer monitor image signal generating part generates said ring buffer monitor image signal in order to allow the position on said ring buffer stripe corresponding to a reproduced portion in said ring buffer to be displayed in a predetermined form (see col. 5 line 56-col. 6 line 7 and 61-col. 7 line 20).

Regarding claim 9, the limitations of claim 9 can be found claims 1 and 3. Therefore claim 9 is rejected for the same reason as discussed in claims 1 and 3 above.

Regarding claim 10, the limitations of claim 10 can be found claims 1, 2, and 3. Therefore claim 10 is rejected for the same reason as discussed in claims 1, 2, and 3 above.

Regarding claim 11, the limitations of claim 11 can be found claim 3. Therefore claim 11 is rejected for the same reason as discussed in claims 3 above.

Regarding claim 12, the limitations of claim 12 can be found claim 4. Therefore claim 12 is rejected for the same reason as discussed in claims 4 above.

Claims 13-16 are rejected for the same reason as discussed in claims 5-8.

Regarding claim 17, the limitations of claim 17 can be found claims 1, 2, and 3. Therefore claim 17 is rejected for the same reason as discussed in claims 1, 2, and 3 above.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over the present application related art in view of Terasawa (US Pat. No. 5,832,173).

Regarding claim 1, the present application discloses an information recording and reproducing apparatus with a ring buffer for reading and reproducing an image signal recorded in the ring buffer while writing an image signal supplied as time elapses into the ring buffer (see paragraph 0004-0006), comprising:

a recording and reproducing position information obtaining part for obtaining information indicative of each of a recording position and a reproducing position at a present time point in said ring buffer (see paragraph 0006-0008).

In the same field of endeavor Terasawa discloses a ring buffer monitor image signal generating part for generating a ring buffer monitor image signal indicative of an image showing a relative positional relation of each of said recording position and said reproducing position in said ring buffer (see abstract, col. 2 lines 42-47, figs. 7A-D, 8A-D, 10A-D, 11A-B, and 13-17, claims 1 and 12, and col. 14 lines 31-42, col. 15 lines 10-16). Therefore in light of the teaching in Terasawa it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the present application by showing the position of recording and reproducing position in order to visually recognize the search status.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MEHRDAD DASTOURI can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/987,453

Page 7

Art Unit: 2616

*Rakhi Chavali*  
[Stamp: RECEIVED  
MAR 3 2006  
ART UNIT 2616]

Helen Shibru  
March 3, 2006